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Attorneys for Defendants  
FEDEX GROUND PACKAGE SYSTEM INC.  
and ADVANCE PAYROLL FUNDING LTD.

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

DOMPATCI MANAGEMENT SOLUTIONS:

Plaintiff,

v.

VENSURE HR Inc., FEDEX GROUND  
PACKAGE SYSTEM Inc., ADVANCE  
PAYROLL FUNDING LTD. and DOES 1-50,  
inclusive,

Defendants.

Case No.: 2:17-cv-02399-KJM-AC

**STIPULATION AND ORDER TO SEVER  
AND TRANSFER CLAIMS AGAINST  
DEFENDANTS FEDEX GROUND  
PACKAGE SYSTEM, INC. AND  
ADVANCE PAYROLL FUNDING LTD.**

[28 U.S.C. § 1404(a)]

Trial Date: None Set

Defendants FedEx Ground Package System, Inc. ("FedEx"), Paychex Advance LLC, sued herein as Advance Payroll Funding Ltd. ("Advance") and Plaintiff Dompatici Management Solutions ("Dompatici"), by and through their undersigned counsel, stipulate as follows:

WHEREAS on or about August 10, 2017, Dompatici filed a Complaint against FedEx and Advance, along with Vensure HR, Inc., in the Superior Court of California, County of Solano (the "Complaint"), and in October, 2017, served the Complaint on various Defendants;

WHEREAS Defendant Advance timely filed a Notice of Removal to this Court on November 14, 2017;

WHEREAS, Plaintiff Dompatici's alleged claims against FedEx arise out of a contract between Dompatici and FedEx that contains a forum selection clause requiring that all such claims "shall be venued in a Federal court of appropriate venue and subject matter jurisdiction located in Allegheny County, Pennsylvania and the Parties hereby consent to the personal jurisdiction of said courts;"

WHEREAS, Plaintiff Dompatici's alleged claims against Advance arise out of a contract between Dompatici and Advance that contains a forum selection clause requiring that all such claims "shall be [heard in] the District Court for the Northern District of Ohio, Eastern Division. [Plaintiff] expressly waives the jurisdiction of any other court, and acknowledges and agrees that this Agreement, without more, shall be sufficient to sustain the dismissal of an action commenced by [Plaintiff] in any other court than specified in this agreement."

WHEREAS, in the interest of efficiency and cost the Parties wish to avoid motion practice to compel enforcement of these forum selection clauses;

NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED by and between counsel for the undersigned parties as follows:

PURSUANT TO 28 U.S.C. § 1404(a),

1. All claims in the Complaint alleged by Plaintiff Dompatici against Defendant Fedex, which include Counts One through Five of Plaintiff's Second Cause of Action, shall be hereby transferred to the United States District Court for the Western District of Pennsylvania in

1 Pittsburgh, Pennsylvania, in Allegheny County.

2 2. All claims in the Complaint alleged by Plaintiff Dompatci against Defendant  
3 Advance, which include Counts One through Five of Plaintiff's Third Cause of Action, shall be  
4 hereby transferred to the United States District Court for the Northern District of Ohio, Eastern  
5 Division.

6 IT IS SO STIPULATED.

7  
8 DATED: December 26, 2017

COBLENTZ PATCH DUFFY & BASS LLP

9  
10 By: /s/ Julia D. Greer

11 Jonathan R. Bass

12 Julia D. Greer

13 Attorneys for Defendants FedEx Ground Package  
14 System, Inc., and Paychex Advance LLC sued as  
Advance Payroll Funding Ltd.

15 DATED: December 26, 2017

DAVID T. GRACIA –LAW OFFICES

16  
17 /s/ David T. Gracia

18 By: (As authorized on December 26, 2017)

19 David T. Gracia

20 Attorneys for Plaintiff Dompatci Management  
21 Solutions

22 It appearing that the transfers are for the convenience of parties and witnesses, in the  
23 interests of justice, and good cause appearing therefor,

24 IT IS SO ORDERED.

25 DATED: February 2, 2018.

26   
27 UNITED STATES DISTRICT JUDGE

28 17248.001 4852-4956-9624.1